

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No HALO99-006BB

Anticipated Classification of this application:

Class -- Subclass --

Prior application:

Examiner: Tran, Thien F.

Art Unit: 2811

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

**FILING UNDER 37 CFR 1.53(b)**

This is a request for filing a

☐ Continuation  
☒ Divisional

application under 37 CFR 1.53(b), of pending prior application

serial no. 09/839,966 filed on 4/23/01

of SEIKI OGURA, TOMOKO OGURA, YUTAKA HAYASHI

for PROCESS FOR MAKING AND PROGRAMMING AND OPERATING A DUAL-BIT MULTI-LEVEL  
BALLISTIC MONOS MEMORY

1. Copy of Prior Application as Filed which is Attached

☒ I hereby verify that the attached papers are a copy of what is shown in my records to be the  
above identified prior application, including the oath or declaration originally filed (37 CFR 1.53(b))  
(See 6 for drawing requirements.)

☒ Declaration enclosed

2. Amendments

☒ **CANCEL IN THIS APPLICATION ORIGINAL CLAIMS 1-80,84-86**

of the prior application before calculating the filing fee. (At least one original independent claim must be  
retained for filing purposes.)

**Express Mail Certificate**

Express Mail No. EV 313927848 US

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope  
addressed to Assistant Commissioner of Patents, Washington, Dc 20231. Applicant and/or Attorney requests the date of deposit  
as the Filing Date.

13 January 2004 (Date of Deposit)

[Signature] 1/13/04 (Signature / Date)



- ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

3. Fee Calculation

CLAIMS AS FILED				
FOR:	NO. FILED	NO. EXTRA	RATE	FEE
BASIC FEE				\$ 385
TOTAL CLAIMS	12 -20=	0	x 09	\$ 0.
INDEP CLAIMS	3 -3=	0	x 43	\$ 0.
MULTIPLE DEPENDENT CLAIM PRESENTED			145	

Filing Fee Calculation \$385

4. Method Of Payment of Fees

- ☒ Charge Account No. 19-0033 in the amount of \$ 385. A duplicate of this request is attached.
- ☒ The Commissioner Is hereby authorized to charge the following additional fees which may be required to Account No. 19-0033
- ☒ 37 CFR 1.16 (filing fees and presentation or extra claims)

5. Drawings

*Note: Do not check the following box if prior case is not to be abandoned.*

- ☐ Transfer the drawings from the prior application to this application and, subject to item 13 below, abandon said prior application as of the filing date accorded this application. A duplicate Copy of this request is enclosed for filing in the prior application file. (May only be used if signed by (1) applicant, (2) assignee of record or (3) attorney or agent of record authorized by 37 CFR 1.138 and before payment of issue fee.)

- ☒ New drawings are enclosed

☒ formal ☐ Informal

6 Priority - 35 U.S.C. 119

☐ Priority of application serial no. \_\_\_\_\_ Filed on \_\_\_\_\_ In \_\_\_\_\_ Is claimed under 35 U.S.C. 119.

☐ The certified copy has been filed in *prior* application serial no. \_\_\_\_\_ filed on \_\_\_\_\_

7. Assignment

☒ The prior application is assigned of record to  
**New Halo, Inc.**

8. Power of Attorney

☒ The power of attorney in the prior application is to **GEORGE O. SAILE, REG. NO. 19,572**

- a. ☒ The power appears in the original papers in the prior application
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☐ A new power has been executed and is attached.

d. ☒ Address all future communications to

**George O. Saile  
28 Davis Avenue  
Poughkeepsie, N.Y. 12603**

9. Maintenance of copendency of Prior Application

*(This item must be complete and the papers filed if the period set in the prior application has run)*

☐ A petition, fee and response has been filed to extend the term in the pending prior application until \_\_\_\_\_.

☐ Please abandon the prior application when the petition for extension of time in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**Stephen B. Ackerman, Reg. No. 37,761**

Type name of person signing



Signature

**January 13, 2004**

Date

**28 Davis Avenue**

P.O. Address of Signatory

**Poughkeepsie, NY 12603**

Telephone No.: **(845) 452-5863**

☐ Inventor

☐ Assignee of complete interest

☐ Person authorized to sign on behalf of assignee

☒ Attorney or agent of record

January 13, 2004

To: Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Fr: George O. Saile      Reg. No. 19,572  
28 Davis Avenue  
Poughkeepsie, N.Y. 12603

Subject:

**Divisional Patent Application of**  
Serial No.: 09/839,966 4/23/01

SEIKI OGURA, TOMOKO OGURA, YUTAKA HAYASHI  
PROCESS FOR MAKING AND PROGRAMMING AND  
OPERATING A DUAL-BIT MULTI-LEVEL BALLISTIC  
MONOS MEMORY

**PRELIMINARY AMENDMENT**

Dear Sir:

This is a preliminary amendment for the above referenced Divisional Patent  
Application. Please amend the above identified application for patent as follows:

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States  
Postal Service as first class mail in an envelope addressed to: Commissioner of Patents  
and Trademarks, Washington, D.C. 20231, on January 13, 2004.

Stephen B. Ackerman, Reg. No. 37,761

Signature/Date



1/13/04

**PLEASE AMEND THE SPECIFICATION AS FOLLOWS:**

After the title, insert -- This is a division of Patent Application serial number 09/839,966, filing date 4/23/01, which is a division of Patent Application 09/426,692, filing date 10/25/99 - now Issued Patent 6,248,633, Process For Making And Programming And Operating A Dual-Bit Multi-Level Ballistic Monos Memory, assigned to the same assignee as the present invention.

**REMARKS**

A reference to the parent case has been added by Preliminary Amendment to this Divisional Patent Application.

The application is believed to be in condition for allowance. Allowance of the subject Patent Application is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SBA', with a long horizontal stroke extending to the right.

STEPHEN B. ACKERMAN, REG. NO. 37,761